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1	Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)	
2	WATT, TIEDER, HOFFAR & FITZGERALD, L. 2040 Main Street, Suite 300	L.P.
3	Irvine, CA 92614	
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5	Email: jkearl@watttieder.com cholley@watttieder.com	
6	Attorneys for Creditor Barnard Pipeline, Inc.	
7	·	
8		BANKRUPTCY COURT
	- /	TRICT OF CALIFORNIA CISCO DIVISION
9	SANTIAN	CISCO DI VISION
10	In re:	Bankruptcy Case
11	PG&E CORPORATION,	Case No. 19-30088 (DM) Chapter 11
12	-and-	(Lead Case) (Jointly Administered)
13	PACIFIC GAS AND ELECTRIC COMPANY,	
14	, and the second	
15	Debtors.  ☐ Affects PG&E Corporation	NOTICE OF CONTINUED PERFECTION
16	☐ Affects Pacific Gas and Electric Company	OF MECHANICS LIEN PURSUANT TO 11 U.S.C. § 546(b)(2)
17	□ Affects both Debtors	Shasta County (Lien 2019-0002175)
18	* All papers shall be filed in the Lead Case, No. 19-30088 (DM)	
19	110, 12 00000 (2.55)	
20		
21	Barnard Pipeline, Inc. ("Barnard"), b	by and through its undersigned counsel, hereby gives
22	notice of continued perfection of its mechanic	cs lien under 11 U.S.C. § 546(b)(2), as follows:
23	•	vered labor, services, equipment, and/or materials for
24	the construction and improvements of project	ts located in the County of Shasta, State of California
25	(the "Property"), the legal description for wh	ich is set forth in the Claim of Mechanics Lien, a true
26	copy of which is attached hereto as Exhibit A	A (the "Mechanics Lien").
27	2. The Property is owned by F	PG&E Corporation and/or Pacific Gas and Electric
28	Company (collectively, the "Debtors"), which	h filed voluntary petitions for relief under Chapter 11

of Title 11 of the United States Code (the "<u>Bankruptcy Code</u>") on January 29, 2019 (the "<u>Petition</u> <u>Date</u>").

- 3. On January 25, 2019, before the Petition Date, Barnard properly and timely recorded its Mechanics Lien under California Civil Code § 8400, *et seq.* in the Official Records of Shasta County, State of California.
- 4. Through January 25, 2019, the amount owing to Barnard subject to its Mechanics Lien is at least \$182,722.67, exclusive of accruing interest and other charges, and additional amounts which have continued and are continuing, to accrue after the Petition Date.
  - 5. California Civil Code § 8460(a) provides that:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable[.]

- 6. Pursuant to California Civil Code § 8460, an action to enforce a lien must be commenced within 90 days after recordation of the claim of lien. However, section 362 of the Bankruptcy Code automatically stays Barnard from filing a state court action to enforce its mechanics lien. See 11 U.S.C. § 362.
  - 7. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law

... requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and ... such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.

See 11 U.S.C. § 362; see also Village Nurseries v. Gould (In re Baldwin Builders), 232 B.R. 406, 410-11 (9<sup>th</sup> Cir. 1999); Village Nurseries v. Greenbaum, 101 Cal.App.4<sup>th</sup> 26, 41 (Cal. Ct. App. 2002).

8. Accordingly, Barnard hereby provides notice of its rights as a lienholder in the Property pursuant to California's mechanics lien law. Barnard is filing and serving this notice to perfect, preserve, maintain, and continue the perfection of its lien and its rights in the Property to

comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the recorder's office for the county where the Property is located and then having commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other parties in interest are estopped from claiming that the lawsuit to enforce Barnard's mechanics lien was not timely commenced pursuant to applicable state law. Barnard intends to enforce its lien rights to the fullest extent permitted by applicable law. The interests, perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the Property.

- The filing of this notice shall not be construed as an admission that such filing is 9. required under the Bankruptcy Code, the California mechanics lien law, or any other applicable law. In addition, Barnard does not make any admission of fact or law, and Barnard asserts that its lien is senior to and effective against entities that may have acquired rights or interests in the Property previously.
- The filing of this notice shall not be deemed to be a waiver of Barnard's right to 10. seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or defenses.
  - Barnard reserves all rights, including the right to amend or supplement this notice. 11.

Dated: April // , 2019

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

By:

Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)

2040 Main Street, Suite 300

Irvine, CA 92614

Telephone: 949-852-6700 Facsimile: 949-261-0771

ikearl@watttieder.com Email:

cholley@watttieder.com

Attorneys for Creditor Barnard Pipeline, Inc.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2019, I caused a copy of the foregoing Notice of Continued Perfection of Mechanics Lien Pursuant to 11 U.S.C. § 546(b)(2) to be sent via e-mail and/or first-class mail to the parties identified in the Master Core/2002 Service List attached hereto as Exhibit B.

Jane G. Kearl

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P. e.: 19-30088

NOTICE OF CONTINUED PERFECTION OF

Doc# 1423 Filed: 04/15/19

Watt, Tieder, Hoffar &

NOTICE OF CONTINUED PERFECTION OF NOTICE OF CONTINUED PERFECTION OF Entered: NOTICE OF CONTINUED PERFECTION OF Entered: NOTICE OF CONTINUED PERFECTION OF

275-214
[Rev. 09/20/13]
PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:
Barnard Pipeline, Inc.

2019-0002175

Recorded | R Official Records | County of | C Shasta | H Leslie Morgan

Assessor-Recorder

REC FEE 23.00
CONFORMED COPY 0.00
HOUSING FEE 75.00

02:00PM 25-Jan-2019 | EB Page 1 of 4

#### WHEN RECORDED MAIL TO:

NAME: Watt, Tieder, Hoffar & Fitzgerald, LLP

ADDRESS: 2040 Main Street, Suite 300

CITY/STATE/ZIP: Irvine, CA 92614

THIS SPACE FOR RECORDER'S USE ONLY 4 HF CC . A

## **DOCUMENT TITLE**

**MECHANICS' LIEN** 

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (Govt. Code 27361.6) (additional recording fee applies)

Case: 19-30088 Doc# 1423 Filed: 04/15/19 Entered: 04/15/19 13:06:34 Page 6 of

Recording requested by: Barnard Pipeline, Inc.

And when recorded mail this document to:

Jane G. Kearl, Esq. Robert C. Shaia, Esq. Watt, Tieder, Hoffar & Fitzgerald, LLP 2040 Main Street, Suite 300 Irvine, CA 92614

For recorder's use

# MECHANICS' LIEN (Cal. Civ. Code § 8416, et seq.)

1. BARNARD PIPELINE, INC. ("Claimant") claims a mechanics lien for the labor, services, equipment, and/or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the City of Anderson, County of Shasta, State of California, and more particularly described as:

All right, title and interest of Pacific Gas and Electric Company ("PG&E") in all easements and all improvements, structures, and pipelines therein, in or on which Claimant provided labor, services, equipment, and/or materials as set forth in paragraph 2, including, specifically, without limitation, PG&E's interest in improvements, structures and pipelines at 2950 W Center St, Anderson, CA, 96007, Lat: 40.449498 Long: -122.300446.

- 2. After deducting all just credits and offsets, the sum of \$182,722.67 together with interest at the rate of 10% per annum from January 22, 2019, is due Claimant for the following labor, services, equipment, and/or materials for installing deep well anodes, test stations and above ground rectifier system, and related construction work performed under the Alliance Agreement Contract between Claimant and PG&E and Contract Work Authorization No. C9705, or as otherwise requested by PG&E.
- Claimant furnished the labor, services, equipment, and/or materials, at the request of: PG&E.
- 4. The name and address of the owner(s) or reputed owner(s) of the real property is/are: PG&E, 77 Beale Street, 32<sup>nd</sup> Floor, San Francisco, CA 94105.

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5. Claimant's address is: 701 Gold Avenue, Bozeman, MT 59715.

Dated January ZZ 2019

BARNARD PIPELINE, INC.

Zach Bowler, Vice President

#### **VERIFICATION**

I, Zach Bowler, am the Vice President of Claimant on the foregoing Mechanics Lien and am authorized to make this verification for and on its behalf. I have read the foregoing Mechanics Lien and know the contents of the Mechanics Lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated January 27, 2019

Zach Bowler, Vice President

#### **NOTICE OF MECHANICS LIEN**

#### **ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

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## 

#### PROOF OF SERVICE

I, Julie Benton, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614-6232.

On January 23, 2019, I served  $\square$  the originals  $\boxtimes$  true copies of the following document(s) described as MECHANICS LIEN and NOTICE OF MECHANICS' LIEN on the interested parties in this action, by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Irvine, California addressed as set forth below:

Pacific Gas & Electric Company (PG&E) 77 Beale Street, 32<sup>nd</sup> Floor San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2019, at Irvine, California.

Julie Benton

WATT, TIEDER,
HOFFAR &
FITZGERALD, L.L.P.
AUTORNEYS AT LAW

PROOF OF SERVICE

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Aera Energy LLC		10000 Ming Avenue 601 West Fifth Street, Suite		Didikildika	5 8	20021	213-688-9500	213-627-6342	
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Wein real man		SSS West Fifth Street	48th Floor	Los Angeles	ð	90013-1065	213-629-7400	213-629-7401	_
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Volcano Pelebane Company and TDS Telecom	Cooper, White & Cooper LLP	Atto: Peter C. Califano	Floor		San Francisco C	5	94111	415-455-1300	200000000000000000000000000000000000000	deg@coreylaw.com
9	COBEN HIZAICH NE CHETAINI & RIDNE HIP	Attn: Dario de Ghetaldi, Amanda L. Riddle, Steven M. Berki, Sumble Manzone	700 El Camino Real	PO Box 669	Millbrae	5	94030-0669	650-871-5666	850-871-4144	air@coreylaw.com smb@coreylaw.com sm@coreylaw.com
Individual Plaintiffs Executive Committee appointed by										
the Californist uperfor Court in the North Bay Fire Cases, Judicial Council Coordination Proceeding Number 4955 Pursuant to the terms of the Court's Case Management Order No. 1	Corthert, Pitre & Micarity, LIP	Attn: Frank M. Pitre, Alison E. Cordova, Abigail D. Blodgett	San Francisco Airport Office Center	840 Malcolm Road, Suite 200	Burlingame	5	94010	650-697-6000	650-697-0577	fpltre@cpmlegal.com acordova@cpmlegal.com ablodgett@cpmlegal.com
			County Administration	575 Administration		V.	95403	707-565-2421		Tambra.curtis@sonoma-county.org
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el for Valley Clean Energy Alliance	COUNTY OF YOLO	Attn: Eric May	Three Emharcadero Center.	100						mplevings crowell.com
Counsel to Resistance Reinsurance LTD.	Crowell & Moring LLP	Mullan	26th Floor		San Francisco (	S	94111	415-986-2800	415-986-2827	
5	October 10 March 110	Atto: Monloue D. Almy	N.W.		Washington	20	20004	415-986-2827	202-628-5116	malmy@crowell.com
of the September Rejournment TD	Crowell & Morine IIP	Attn: Tacle H. Yoon	1001 Pennsylvania Ave.,			20	20004	202-624-2500	202-528-5116	Woonal/Browell com
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el for Grasnk N.A., as Administrative Agent for lity Radying Credit Facility	-	Attn: Andrew D. Yaphe	1500 El Comino Real		Mento Park	5	94025	650-752-2000	650-752-2111	andrew.yaphe@davispolk.com
Counsel for the agent under the Debtors' proposed debtor in posession financing facilities, Counsel for Citibank N.A., as Administrative Agent for the Utility		Attn: Eli J. Vonnegut, David Schiff,	ASD Lawinston Avenue		New York	Ň	10017	212-450 4331	212-701-5331	
Creditor and Counsel to Debra Grassgreen	Debra Grassgreen	Attn: Karl Knight	1339 Pearl Street	Suite 201		5	94558			dgrassgreeng-gman.com
Counsel to Suchwire Company U.C	Dentons US LLP	Attn: Bryan E. Bates, Esq.	303 Peachtree St., NE, Sulte 5300		Atlanta	GA	30308	404-527-4073	404-527-4198	bryan.bates@dentons.com
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In re: PG&E Corporation, et al. Master Service List Case No. 19-30088

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